



P90.3 – PRIVACY NOTICE FOR JOB APPLICANTS AND STAFF

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Revision History

| Revision | Paragraph Number | Revision |
|-----------|------------------|--------------|
| June 2018 | | New Document |
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Abbreviations, Acronyms and Definitions

| Abbreviation / Acronym | Definition |
|------------------------|--|
| Biometric Data | Personal information about an individual's physical or behavioural characteristics that can be used to identify that person; this can include their fingerprints, facial shape, retina and iris patterns, and hand measurements. |
| CCTV | Closed Circuit Television |
| Data Controller | Organisations, including independent Schools, that determine how people's personal data is processed and for what purpose. |
| Data Protection | The relevant English Law relating to Data Protection, including the GDPR and the Data Protection Act |
| Data Subjects | Any living individual whose data the Data Controller processes. |
| DfE | Department for Education |
| DPO | Data Protection Officer |
| DSAR | Data Subject Access Request |
| GDPR | General Data Protection Regulation |
| HMRC | Her Majesty's Revenue & Customs |
| ICO | Information Commissioner's Office |
| KCSIE | Keeping Children Safe In Education |
| NCTL | National College for Teaching and Leadership (Disbanded and replaced by TRA in April 2018) |
| Personal Data | Everything from which a Data Subject can be identified. It ranges from simple contact details via recruitment files to safeguarding information, and encompasses opinions, file notes or minutes, a record of anyone's intentions towards that person, and communications (such as emails) with or about them. |

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|-----------------------|---|
| Processing | Any handling of personal data such as collection, storage, alteration, use, transfer, restriction or destruction, whether or not by automated means. |
| Social Protection | Concerned with preventing, managing and overcoming situations that adversely affect people's well-being and is designed to reduce poverty, diminish people's exposure to risks and enhance their capacity to manage social risks. |
| Special Category Data | Some categories of Personal Data are special category data under GDPR. These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning a natural person's sexual orientation. |
| Staff | <i>Full-time and Part-time employees of The Yehudi Menuhin School, Music Teachers, Deputy Music Teachers, Governors/Trustees, Supply Staff, Sports Coaches, Dance Teachers etc. and Contractors</i> |
| TRA | Teaching Regulation Agency (replaced the NCTL from April 2018) |

Aim / Objective / Statement of Intent

This policy applies to the whole School. Please ensure you have read the table above for the meanings of specific terms shown in this document in italics. Please note that any references to “employment”, “*staff*” etc. in this Notice are not intended to imply or confer any employment rights on non-employees.

1. This policy is intended to provide information about how the School will use or ***process personal data*** about individuals including job applicants and staff. ***Staff*** are defined as full-time or part-time employees of The Yehudi Menuhin School, Music Teachers, Deputy Music Teachers, Governors/Trustees, Supply Staff (i.e. those who provide their services to the School but who are paid by a third party), Sports Coaches, Dance Teachers etc. and Contractors. Information on other groups such as Parents & Pupils, and Volunteers can be found in Policy 90.1 and 90.2 respectively.
2. This information is provided because Data Protection Law gives individuals rights to understand how their data is used. In the course of your employment, engagement or other basis of work undertaken for the School, we will collect, use and hold (“process”) personal data relating to you as a member of our ***Staff*** or as a Job Applicant. This makes the School a data controller of your personal information, and this Privacy Notice sets out how we will use that information and what your rights are.
3. This Privacy Notice applies alongside any other information the School may provide about a particular use of personal data, including :
 - Any contract between the School and its’ ***Staff***;
 - The School’s Employment Policies and Procedures;
 - The School’s Digital Media Policies;
 - The School’s Use of CCTV Policy;
 - The School’s Data Retention Policy;
 - The School’s Data Protection Policy;
 - The School’s various safeguarding, pastoral, and health and safety policies, including as to how concerns or incidents are recorded; and
 - The School’s E-Safety Policy.
4. Please note that your contract with the School, including any document or policy forming part of your contractual obligations to the School, may in particular be relevant to and supplement the information in this Policy 90.3 Privacy Notice for Job Applicants and Staff, to the extent that it will contain details of obligations or rights of the School under contract with you which may require the use of your ***personal data***. However, this Privacy Notice for Job Applicants and Staff is the primary document applicable to the use of your personal data by the School.

5. This Privacy Notice for Job Applicants and Staff also applies alongside any other information the School may provide about particular uses of personal data, for example when collecting data via an online or paper form.
6. This notice is not aimed at pupils, or parents of pupils (whether current, past or prospective) or other members of the public, nor does it inform **staff** how to handle the personal data of the same. Anyone who works for, or acts on behalf of, the School (including **staff**, volunteers and service providers) should also be aware of and comply with Policy 90.1 Privacy Notice for Parents and Pupils and Policy 90.2 Privacy Notice for Supporters.

Responsibility for Data Protection

7. The School has appointed **Kate Clanchy, Head, and Alison Packman, Compliance Officer and DPO, as responsible for data protection.** They will deal with any requests or enquiries concerning the School's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.
8. They can be contacted as follows via email at head@menuhinschool.co.uk or alison.packman@menuhinschool.co.uk or via telephone on +44(0) 1932 864739. You may also write to either Kate Clanchy or Alison Packman at The Yehudi Menuhin School, Stoke d'Abernon, Cobham, Surrey KT11 3QQ.
9. The School has notified the Information Commissioner's Office of its processing activities. The School's ICO registration number is Z8192950 and its registered address is The Yehudi Menuhin School, Stoke d'Abernon, Cobham, Surrey KT11 3QQ.

How the School collects data

10. The School may collect your personal data in a number of ways, for example:
 - From the information you provide to us before making a job application, for example when you come for an interview;
 - When you submit a formal application to work for us, and provide your personal data in application forms and covering letters, etc; and
 - From third parties, for example the Immigration Service or the Disclosure and Barring Service (DBS) and referees (including your previous or current employers or school), in order to verify details about you and/or your application to work for us. We may also collect information from publicly available resources.

11. More generally, during the course of your employment with us, as a member of staff, we will collect data from or about you, including;

- When you provide or update your contact details;
- When you or another member of staff completes paperwork regarding your performance appraisals;
- In the course of fulfilling your employment (or equivalent) duties more generally, including by filing reports, note taking or sending emails on school systems;
- In various other ways as you interact with us during your time as a member of staff, and afterwards, where relevant, for the various purposes set out below.

Types of information collected by the School

12. By way of example, we may collect the following types of personal data about you (and your family members and 'next of kin' where relevant):

- Contact and communications information, including:
 - i. Your contact details (including email address(es), telephone numbers and postal address(es));
 - ii. Contact details (through various means, as above) for your family members and 'next of kin', in which case you confirm that you have the right to pass this information to us for use by us in accordance with this Privacy Notice;
 - iii. Records of communications and interactions we have had with you;
- Biographical, educational and social information, including:
 - i. Your name, title, gender, nationality and date of birth;
 - ii. Your image and likeness, including as captured in photographs taken for work purposes or at concerts, and other school related events;
 - iii. Details of your education and references from your institutions of study;
 - iv. Lifestyle information and social circumstances;
 - v. Your interests and extra-curricular activities;
- Financial information, including:
 - i. Your bank account number(s), name(s), and sort code(s) (used for paying your salary and processing other payments);
 - ii. Your tax status (including residence status);
 - iii. Information related to pensions, national insurance, or employee benefit schemes;

- Work related information, including:
 - i. Details of your work history and references from your previous employer(s)
 - ii. Your personal data captured in the work product(s), notes and correspondence you create while employed or otherwise engaged to work for the School;
 - iii. Details of your professional activities and interests;
 - iv. Your involvement with and membership of sector bodies and professional associations;
 - v. Information about your employment and professional life after leaving the school, where relevant (for example, where you have asked us to keep in touch with you or you have become a member of the Friends (see Policy 90.2 - Privacy Notice for Supporters)
- Details related to your Nationality, Passport, Visa, Immigration status, or other information relating to our duties as an employer to check your “Right to Work” in the UK;
- And any other information relevant to your employment or other engagement to work for the School.

13. Where this is necessary for your employment or other engagement to work for the School, we may also collect ***special category data***, and information about criminal convictions and offences, including:

- Information revealing your racial or ethnic origin;
- Trade union membership, where applicable;
- Information concerning your welfare, health and medical conditions (for example, where required to monitor and record sickness absences, dietary needs, to ensure you are able to fulfil your duties or to make reasonable adjustments to your working conditions or environment);
- Information concerning your sexual life or orientation (for example, in the course of investigating complaints made by you or others, for example concerning discrimination); and
- Information about certain criminal convictions (for example, where this is necessary for due diligence purposes, or compliance with our legal and regulatory obligations);

14. However this will only be undertaken where and to the extent it is necessary for a lawful purpose in connection with your employment or other engagement to work for the School.

Why the School needs to process personal data

Entering into, or fulfilling, our contract with you

15. The School processes your personal data because it is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into a contract, such as a contract of employment or other engagement with us. In this respect we use your personal data for the following:

- Administering job applications and, where relevant, offering you a role with us;
- Carrying out due diligence checks on you, whether during the application process for a role with us or during your engagement with us, including by checking references in relation to your education and your employment history;
- Once you are employed or engaged by us in any capacity, for the performance of the contract of employment (or other agreement) between you and us;
- To pay you and to administer benefits (including pensions) in connection with your employment or other engagement with us;
- Monitoring your attendance and your performance in your work, including in performance appraisals;
- Promoting the School to prospective parents and others, including by publishing the work product(s) you create while employed by or otherwise engaged to work for the School; (this includes images/audio/video recording of concerts in which you may take an active part, and the sale/publication/distribution of these)
- For disciplinary purposes, including conducting investigations where required;
- For other administrative purposes, for example to update you about changes to your terms and conditions of employment or engagement, or changes to your pension arrangements;
- If you enter into a Licence to Occupy premises or Service Occupancy Agreement with us;
- For internal record-keeping, including the management of any staff feedback or complaints and incident reporting; and
- For any other reason or purpose set out in your employment contract with us.

Legitimate Interests

16. We process your personal data because it is necessary for our (or sometimes a third party's) legitimate interests. Our "legitimate interests" include our interests in running the school in a professional, sustainable manner, in accordance with all relevant ethical, educational, charitable, legal and regulatory duties and requirements (whether or not connected directly to data protection law). In this respect, we use your personal data for the following:

- Providing you with information about us and what it is like to work for us (where you have asked for this, most obviously before you have made formal application to work for us;
- For security purposes, including by operating security cameras (CCTV) in various locations on the School's premises;
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- To provide education services to pupils;
- To carry out or co-operate with any School or external complaints, disciplinary or investigatory process;
- To safeguard pupils' welfare and provide appropriate pastoral care (by for example, accessing current and/or past employee's browser history/emails/notes of correspondence and meetings either internal or with external parties such as parents, in order to ascertain if there are/were any pupil concerns, safeguarding issues, HR disciplinary matters, which the School should be aware of);
- For the purposes of management planning and forecasting, research and statistical analysis
- In connection with organising events and social engagements for staff;
- Making travel arrangements on your behalf, where required;
- Contacting you or your family members and 'next of kin' for business continuity purposes, to confirm your absence from work, etc.;
- To make use of photographic images and recordings of pupils and staff in School publications, on the School website and (where appropriate) on the School's social media channels and to share these images and recordings with third parties (such as concert venues) in accordance with the School's Digital Media Policies;

- To make use of audio and/or video recordings of pupils and staff taking part in School activities, concerts, rehearsals etc. for the purposes of promotion and marketing/advertising, education and to record the achievements of pupils and staff;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's Media policies and government guidance such as KCSIE.
- To provide references to potential future employers;
- Maintaining relationships with alumni and the School community, including direct marketing or fundraising activity;
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

Legal Obligations

17. We also process your personal data for our compliance with our legal obligations, notably those in connection with employment, charity and/or company law, tax law and accounting, and child welfare. In this respect, we use your personal data for the following:

- To meet our legal obligations (for example, relating to child welfare, social protection, diversity, equality and gender pay gap monitoring, employment and health and safety);
- For tax and accounting purposes, including transferring personal data to HMRC to ensure that you have paid appropriate amounts of tax, and in respect of any Gift Aid claims where relevant;
- For the prevention and detection of crime, and in order to assist with investigations (including criminal investigations) carried out by the Police and other competent authorities.

Special Categories of Data

18. We process **special category personal data** (such as data concerning health, ethnicity, allergies, religion, sexual orientation or sexual life, union membership or criminal convictions and allegations) for the reasons set out below.

19. We will process this data on the basis that such processing is necessary to carry out obligations and exercise rights (both yours and ours) in relation to your employment.

20. In particular, we process the following types of ***special category personal data*** for the following reasons:

- Your physical or mental health or condition(s) in order to record sick leave and take decisions about your fitness for work, or (in emergencies) act on any medical needs you may have;
- Recording your racial or ethnic origin in order to monitor our compliance with equal opportunities legislation or to enable us to respond to census collection requirements;
- Trade union membership, in connection with your rights as an employee and our obligations as an employer;
- Categories of your personal data which are relevant to investigating complaints made by your or others, for example concerning discrimination, bullying or harassment;
- Data about any criminal convictions or offences committed by you or allegations made against you, for example when conducting criminal background checks with the DBS, or where it is necessary to record or report an allegation (including to police or other authorities, with or without reference to you);

21. We will process ***special categories of personal data*** for lawful reasons only, including because:

- You have given us your explicit consent to do so, in circumstances where consent is appropriate;
- It is necessary to protect your or another person's vital interests, for example where you have a life-threatening accident or illness in the workplace and we have to process your personal data in order to ensure you receive appropriate medical attention;
- It is necessary for the establishment, exercise or defence of legal claims, such as where any person has brought a claim or serious complaint against us or you.

Sharing your information with others

22. For the purposes referred to in this privacy notice and relying on the bases for processing as set out above, we may share your personal data with certain third parties. We may disclose limited personal data (including in limited cases special category or criminal data) to a variety of recipients including:

- Other employees, agents and contractors (e.g. third parties processing data on our behalf as part of administering payroll services, the provision of benefits

including pensions, IT etc. – although these are not considered data processors on our behalf);

- DBS and Government authorities (e.g. HMRC, DfE, UK Visas & Immigration, Police, ICO, NCTL/TRA or the Local Authority);
- Professional advisers (e.g. lawyers, insurers, PR advisers and accountants)
- Yehudi Menuhin Enterprises Ltd. (which is the legal entity which operates The Menuhin Hall when it is used for external functions)
- Mailing Houses (in order to distribute school publications such as newsletters etc)
- Appropriate regulatory bodies. For example:
 - The Independent Schools Inspectorate (<https://www.isi.net/>)
 - The Charity Commission
(<https://www.gov.uk/government/organisations/charity-commission>)
 - The Information Commissioner's Office (<https://ico.org.uk/>)
- Third parties and their advisers in the unlikely event that those third parties are acquiring or considering acquiring all or part of the School, or we are reconstituting or setting up some form of joint working or partnership agreement in the unlikely event that those third parties are acquiring or considering acquiring all or part of our School, or we are reconstituting or setting up some form of joint working or partnership agreement in the UK or abroad; or
- When the School is legally required to do so (by a court order, government body, law enforcement agency or other authority of competent jurisdiction) for example HMRC, UK Visas and Immigration or the Police.

23. We may also share information about you with other employers in the form of a reference, where we consider it appropriate, or if we are required to do so in compliance with our legal obligations.

24. The School may also share images of pupils or staff, or groups of pupils and staff at events such as concerts, Duke of Edinburgh activities etc. These may be made available to third parties. For example to concert venues as part of their publicity for the concert, in the media (either printed or electronic) as part of post event publicity etc. Permission for the sharing of these images has been provided by parents on behalf of pupils.

25. Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in

some cases referrals to relevant authorities such as the LADO or the Police. For further information about this, please view the School's Safeguarding and Child Protection Policy.

How long your information is kept

26. The School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.
27. Personal data relating to unsuccessful job applicants and all documentation relating to the application will normally be confidentially destroyed 6 months after the appointment of the successful applicant, unless the applicant specifically requests the School to keep their details on file.
28. For Staff, subject to any other notices that we may provide to you, we may retain your personal data for a period of 7 years following termination of your contract (either by us or by you).
29. However, some information may be retained for longer than this, for example incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Where detailed information about activities in School may form an important part of safeguarding for that individual, data will be retained until the pupil(s) concerned reach the age of 25 years of age or older.
30. Details of any allegation relating to child protection against a member of staff, including where an allegation is unfounded, will be kept until the staff members normal retirement age, or 10 years from the date of the allegation, whichever is the longer.
31. For further details please refer to the School's Data Retention Policy.
32. If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact **Alison Packman, Compliance Officer and DPO**, via email at alison.packman@menuhinschool.co.uk. However, please bear in mind that the School will often have a lawful and necessary reason to hold on to some personal data even following such a request.
33. A limited and reasonable amount of information will be kept for archiving purposes, for example; and even when you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").
34. Some audio and/or video recordings of performances by pupils and staff may be kept for archiving purposes for extended periods of time. Other related materials such as press articles, concert programmes etc. may also be kept in the same manner. This is in order to continue to build upon the archives which record the rich history of the School.

Your rights

35. Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the School to stop processing it – but subject to certain exemptions and limitations.
36. Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to **Kate Clanchy, Head** via email to head@menuhinschool.co.uk and also to **Alison Packman, Compliance Officer and DPO** via email to alison.packman@menuhinschool.co.uk
37. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time limits (which is 30 calendar days in the case of requests for access to information (also known as DSAR or Data Subject Access Requests). Whilst the School will aim to respond to DSARs within the statutory time limits, more complex requests may take longer for us to respond, as will DSARs made just before, or during, School holiday closures. The School will advise the requestor of any anticipated delay along with reasons why we cannot respond within the 30 calendar day time limit should this be necessary. The School has a right to charge a reasonable fee for any unreasonable or excessive requests or for producing multiple copies of information.
38. The School will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).
39. You can find out more about your rights under applicable data protection legislation from the Information Commissioner’s Office website available at www.ico.org.uk

Requests that cannot be fulfilled

40. You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals, or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action).
41. The School is also not required to disclose any confidential reference given by the School itself for the purposes of the employment of any individual.
42. You may have heard of the “right to be forgotten”. However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your

personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice). All such requests will be considered on their own merits.

Consent

43. Where the School is relying on consent as a means to process personal data, any person may withdraw this consent at any time.
44. Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.
45. That reason will usually have been asserted under this Privacy Notice or under P90.1 Privacy Notice for Parents & Pupils, or under P90.2 Privacy Notice for Supporters, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment contract, or because of a purchase of goods, services or membership of an organisation such as an alumni has been requested).

Data Accuracy and Security

46. The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must notify the Head or the Bursar of any significant changes to important information, such as contact details, held about them.
47. An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law); please see above for details of why the School may need to process your data and who you may contact if you disagree.
48. The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to School systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

This Policy

49. The School will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

50. Any comments or queries on this policy should be directed to **Alison Packman, Compliance Officer and DPO** via alison.packman@menuhinschool.co.uk.
51. If you wish to exercise any of your rights under applicable law you may contact the Head or the Compliance Officer.
52. If an individual believes that The Yehudi Menuhin School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School Complaints Procedure and should also notify **Alison Packman, Compliance Officer and DPO** via alison.packman@menuhinschool.co.uk. You can also make a referral to, or lodge a complaint with, the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

List of Appendices

There are no appendices to this Policy.